

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

-----	:	
UNITED STATES OF AMERICA	:	
	:	CASE NO. 1:08CR058
Plaintiff	:	
	:	
-VS-	:	
	:	
KEVIN R. POSTLETHWAIT	:	
	:	<u>ORDER ACCEPTING PLEA</u>
Defendant	:	<u>AGREEMENT AND JUDGMENT AND</u>
-----	:	<u>NOTICE OF HEARING</u>

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman, Jr. regarding the change of plea hearing of Kevin R. Postlethwait which was referred to the Magistrate Judge with the consent of the parties.

On 5 February 2008, the government filed a three-count indictment against Kevin R. Postlethwait for felon in possession in violation of 18 U.S.C. § 922(g)(1). On 3 March 2008, a hearing was held in which Kevin R. Postlethwait entered a plea of not guilty before Magistrate Judge Baughman. On 2 May 2008, Magistrate Judge Baughman received Kevin R. Postlethwait's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Kevin R. Postlethwait is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Kevin R. Postlethwait is adjudged guilty of Counts One, Two and Three in violation of 18 U.S.C. § 922(g)(1).

Sentencing will be:

14 July 2008 at 9:30 a.m.

**Courtroom 19-A
19th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

Dated: 27 May 2008

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE